

# **NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD**

## **Minutes of Meeting**

**November 2, 2002**

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### **Attendance:**

Mike Santa, Governors Commission on Disability  
Rep. Bob Clegg, Chairman, designee for the Department of Safety  
Ray Cowan, Board of Engineers, licensed structural  
Jerry Tepe, Board of Architects, licensed architect  
Ken Andrews, NH Building Officials Assoc., municipal building official  
Tyler Carlisle, Board of Engineers, licensed electrical engineer  
Bob Longchamps, NH Electrical Contractors Business Assoc., licensed  
master electrician  
Corey Landry, NH Assoc. of Fire Chiefs, sitting in for Tom Lambert,  
municipal fire chief  
Tedd Evans, Board for licensing and regulation of plumbers, licensed  
master plumber  
Fred Baybutt, Assoc. General Contractors, contractor non-residential  
Wes Golomb, State energy conservation code office  
Med Kopczynski, Assistant City Manager Keene, NH Municipal  
Association  
Joe Landers, NH Home Builders Association - residential  
John A. Stephen, Attorney, Assistant Commissioner, Dept. of Safety  
Wynn Arnold, Attorney, Assistant Attorney General, Dept. of Justice

The Chair asked if Mr. Landry was the official representative for the Fire Chiefs Association. Mr. Landry stated that no he was not, he was sitting in for Chief Lambert. The Chair told Mr. Landry because he had not been officially designated as the 'fill-in' for the Fire Chiefs from the Commissioner, he would not have voting authority, unless he is an official member of the Board.

### **Adoption of Minutes:**

Correction on page 3, paragraph 1 - sentence reads that "the standard for establishing piece of g, snow loads in NH - it should be capital "P" and small "g" (Pg).

Ken Andrews **moved** that the Minutes be adopted as amended. Motion was **seconded** by Fred Baybutt. Board voted in the affirmative. Chair declared them accepted as amended.

### **Old Business:**

#### **Report on Height and Area Limitation sub-committee:**

Ken Andrews reported that they had met with representatives of the fire service, and were informed of their wishes and desires. The sub-committee needs to meet very soon to hash over everything. We are progressing and cooperation between all the parties is good. A report will be forthcoming in the very near future.

John Stephen reported that the changes to be made to the Fire Code should not be delayed much further. Need to come to some agreement on height and area limitations we are going to leave in the Fire Code.

Ken reported that that question by itself was brought up just this morning in the sub-committee. The sub-committee has not made a decision yet on to recommend it be taken out of the Fire Code or about the Fire Code, because new evidence was submitted this morning. He has duly noted the Commissioner's concerns.

#### **Report on status of Plumber Board Rules:**

Tedd Evans passed around copies of the Interim Rules accepted by JLCAR. Four amendments, A through D, were accepted and are pretty much boiler plate. A is about inserting the name of the jurisdiction in place, B has to do with supplying an offense, or a committee code violation, and C in a penalty for doing that, and D is the reference to the international private sewage disposal code and inserting in place the state statute which deals with private sewage disposal.

Discussion: Jerry Tepe - specifically item D - deleting the reference to the international private sewage disposal code - concern here about precedence. The legislation as passed specifically prohibits getting to another code simply because it is referenced and would we then need to do this every place another code is referenced in one of the adopted codes, specifically deleted.

The Chair reiterated that these are Interim Rules and will be valid for 6 months.

#### **Report on Snow Loads Rules:**

Ray Cowan reported that he is not aware of any issues that are outstanding. Jeff Tyree did the presentation last meeting on Snow Loads, and Ray followed that presentation with a motion to adopt part as the

code. And that motion was changed to recommend the report as a standard and was recognized.

Discussion: Jerry Tepe if you look in the international building code under the snow load provisions, it gives you a map of the state. Much of the state is in an area that requires case studies, rather than a specific value given. The standard is, in the areas where a case study is required, the engineer can rely on the information provided within this document, rather than performing his own case study. It was not adopted into the Code, it's just a tool for structural engineers to use where a case study is mandated by the Code.

Discussion: Ray Cowan - disagreed with Jerry. It allows the structural engineer to use the report throughout the state if he wished, not just the black area, because the Code allows him to supplement a Table with a case study.

Discussion: Joe Landers - The Ground Snow Load map has specific areas of ground snow loads that were not subject to case studies. However, a case study was done in all those areas. What standard are they to use.

Discussion: Ray Cowan - the areas that have a Pg, ground snow load designated, also in the Code allow the structural engineer to supplement that with a case study he has available.

#### **Report on Rules for changes to NH State Building Code:**

Organizational Rules - Chairman Clegg stated that the new parts are Sections . . . part 105 and 106. The necessary change to the document we have now, would be 105.02 where it says **"final board action shall be taken only by an affirmative vote of the majority of the Board eligible to participate. . ."** Our attorney has suggested that the wording be changed to **"only by the affirmative vote of the majority of the Board present, and eligible to participate . . ."**

Page 13 and 14 - section B - where it tells how to get a petition into the Board. It says now **"any person providing the Board with a proposed Rule change may submit deposed text"** the change to be made would be to change the word **"may"** to the word **"shall"**.

212.02 - d - where it states now **"if emanate public safety issues are at stake, the Board may waive the need for public hearing and adopt the Rule change"**. The Chairman asked the Board members, if we do that, do we need to hold the public hearing within 60 days? Or, that we would be nice enough not to do anything foolish.

Discussion: Ray Cowan - would that waiver be a permanent waiver? Or could be make that a temporary one for a period of time.

Discussion: John Stephen stated that he and Marta will be working on making some changes in the legalese - and what would be helpful if each Board member makes their own comments and send them to Evvy within a week.

Discussion: Ray Cowan - with the new IBC 2003 coming out shortly, what is the procedure for this Board to adopt.

Chairman Clegg stated that any change to the Code is done the same way any change is done.

#### **Hearing Process with Rules:**

The question is weather we have a normal hearing process for review of the records, or it has been recommended that we do a De Novo hearing, which means that we start at the beginning and work it through. Attorney Arnold explained that through the statute RSA 155-A:11 appeals of the decisions of the state fire marshal, the wording appeal frequently conjures up the thought of an appellate court just looking on. The De Novo means that it whole process is done over again, and a hearing is required to determine factual matters.

#### **New Business:**

##### **Letters Chairman sent to the Commissioner**

Chairman distributed copies of his letter(s) written to the Commissioner.

Discussion: Joe Landers - all new buildings for clarification says it does not apply to residential construction. Chairman Clegg stated that there is an exemption in the statute for modular housing.

The proposed changes to the State Fire Code were also distributed. Comments are wanted right away. Ken Andrews - Under first sub-paragraph a, sub 1, could Don Bliss explain. Don Bliss - just for reference, it's the State Building Code, not the State-Wide Building Code. He thinks the intent is **to exempt** 1 and 2 family residential buildings **but the** section needs to be addressed - the sub-committee is working on that. Jerry Tepe - for the record, he does not believe that any references to a **BOCA** Building Code, belong in the State Fire Code, and wonders if this whole part that we are discussing is even necessary. The Chairman explained that the first section of this is just to clarify quickly and easily, the intention of the Code and the intent of this Board. The second section talks about Height and Area limitations, which we have a sub-committee working on it. Your comments on the BOCA national code are the comments the Commissioner is looking for. John Stephen - if you look at

6008.05 the bracket is to take that entirely out. At the Chairman's suggestion, all references to the BOCA national code have been removed.

Ken Andrews passed out some preliminary proposed changes to the State Building Code that the Building Officials Association would like to see adopted. Just for the Board members to review at this time.

Reminder:

The next Board meeting will be on **December 13, 2002**. And because the conference rooms book up so early, the room has been booked for the next years meetings in advance. They are as follows:

January - 10th  
February - 14<sup>th</sup>  
March - 14<sup>th</sup>  
April - 11<sup>th</sup>  
May - 9<sup>th</sup>  
June - 13<sup>th</sup>  
July 11<sup>th</sup>  
August 8<sup>th</sup>  
September 12<sup>th</sup>  
October 10<sup>th</sup>  
November 14<sup>th</sup>  
December 12<sup>th</sup>